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O.P.No.591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.02.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.591 of 2024

Mrs.Santhanalakshmi Aravind Kumar

... Petitioner

PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act read with Order XXI Rule 2 & 3 of Original Side Rules to grant permission to sell the minor's share of property morefully described in the Schedule and to invest the minors' share in any Nationalized Bank till they attain majority and pass such further order.

For Petitioner : Mr.S.Jaganathan

ORDER

By this petition, the mother and natural guardian of the minor, A.Krish Vikram, seeks permission to deal with the minor's share of the property belonging to one Aravind Kumar, who was married to the petitioner and begotten two children, Mr. A.Vidwath Paraakram and Minor A.Krish Vikram. The said Aravind Kumar died intestate on 20.04.2016 leaving behind his wife, the petitioner, his two sons including minor and his mother as his surviving legal heirs. The said legal heirs are entitled to 1/4th undivided share in the property.



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2. The petitioner asserts that the above-mentioned property was purchased by late.Aravind Kumar from Mr.S.J.Sethu under document No.1336 of 2003 dated 30.04.2003. During his lifetime, he was in peaceful possession and enjoyment of the said land. As the said Aravind Kumar died intestate on 20.04.2016, the legal heirs of him are entitled to 1/4th undivided share in the said property including the minor. Further, the petitioner along with her son Mr.A.Vidwath Paraakram and her mother in law entered into a sale Agreement in respect of the subject property with one Mr.R.H.V.Roshan for a sale consideration of Rs.1,80,00,000/-. It is necessary to permit the sale of the share of the Minor, A.Krish Vikram for his benefit.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as PW1. In the course of the examination in chief of PW1, 12 documents listed at the foot of this order were exhibited as Ex.P1 to P12. The birth certificate of Minor.A.Krish Vikram has been marked as ExP2, discloses that he was born on 06.11.2009. The death certificate of the father of the minor as Ex.P3. The legal heir certificate of late.A.Aravind Kumar as



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Ex.P12. As evidence of the title of late A.Aravind Kumar, the registered Sale Deed dated 30.04.2003 as Ex.P1. The agreement of sale has been marked as Ex.P4.

4. Based on the evidence adduced by the petitioner, the petitioner is entitled to the relief claimed on the following terms:

- (i) The petitioner is permitted to sell the minor. A.Krish Vikram's share of property is more fully described in the schedule.
- (ii) The sale proceeds to the share of A.Krish Vikram shall be deposited in a fixed deposit of any Nationalised Bank which shall be renewed periodically till he attains the age of majority.
- (iii) File before this Court the accounts as regards to the transaction pursuant to this order and produce the copy of the fixed deposit receipts within six months before the Assistant Registrar (Original Side-II) of this Court.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No



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Petitioner's witness:

P.W.1 - Mrs.Santhanalakshmi Aravind Kumar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 30.04.2003 executed in favour of Mr.A.Aravind Kumar (compared with the original)
Ex.P2	Computer generated birth certificate of Minor A.Krish Vikram (Compared with the original)
Ex.P3	Computer generated death certificate of Mr.A.Aravind Kumar (compared with the original)
Ex.P4	Photocopy of the sale agreement dated 23.06.2022 entered into between Mrs.A.Santhanalakshmi Arvind Kumar and 3 others as vendors and Mr.R.H.V.Roshan as the purchaser. (Compared with the original)
Ex.P5	Original bonafide certificate of Minor A.Krish Vikram (Compared with the original)
Ex.P6	Computer generated encumbrance certificate dated 08.07.2024 stands in the name of Mr.A.Arvid Kumar
Ex.P7	Downloaded copy of the guideline value of the property.
Ex.P8	Photocopy of the Aadhar Card of Minor A.Krish Vikram (Compared with the original)
Ex.P9	Photocopy of PW-1's Aadhar Card (Compared with original)
Ex.P10	Aadhar Card of the proposed purchaser Mr.R.H.V.Roshan (Compared with the original)
Ex.P11	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P12	The Original legal heir ship certificate of Mr.A.Aravind.



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